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and LIFESCAN SCOTLAND, LTD.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE**

LIFESCAN, INC. and
LIFESCAN SCOTLAND, LTD.,
Plaintiffs,

v.

SHASTA TECHNOLOGIES, LLC, DECISION
DIAGNOSTICS CORP., PHARMATECH
SOLUTIONS, INC., and CONDUCTIVE
TECHNOLOGIES, INC.,
Defendants.

Case No. CV11-04494-EJD (PSG)

**LIFESCAN'S OPPOSITION TO
DEFENDANTS' EX PARTE
APPLICATION FOR OSCRE
CONTEMPT AND FOR FURTHER
RELIEF AND SANCTIONS;
MEMORANDUM OF POINTS AND
AUTHORITIES**

LifeScan objects to Defendants' motion as it fails to conform to any of the requirements for *ex parte* relief. As this Court has noted in denying previous inappropriate *ex parte* requests,

Civil Local Rule 7-10 states:

Unless otherwise ordered by the assigned Judge, a party may file an *ex parte* motion, that is, a motion filed without notice to opposing party, *only if a statute, Federal Rule, local rule or Standing Order authorizes the filing of an ex parte motion in the circumstances* and the party has complied with the applicable provisions allowing the party to approach the Court on an *ex parte* basis. *The motion must include a citation to the statute, rule or order which permits the use of an ex parte motion to obtain the relief sought.*

D.E. 151 (emphasis in original). Defendants have identified no statute, Federal Rule, local rule, or Standing Order that authorizes the filing of an *ex parte* motion. Their application should accordingly be denied. If Defendants file a proper motion, LifeScan will respond appropriately.

Dated: April 24, 2013

PATTERSON BELKNAP WEBB & TYLER LLP

By: /s/ Gregory L. Diskant

Gregory L. Diskant

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